



INTERIOR BOARD OF INDIAN APPEALS

Douglas Indian Association v. Juneau Area Director, Bureau of Indian Affairs

31 IBIA 117 (08/19/1997)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DOUGLAS INDIAN ASSOCIATION,
Appellant

v.

JUNEAU AREA DIRECTOR, BUREAU
OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal as
: Premature
:
:
: Docket No. IBIA 97-155-A
:
:
: August 19, 1997

This is an appeal from a July 8, 1997, decision of the Juneau Area Director, Bureau of Indian Affairs, concerning Appellant's proposal for contract support funds under the Indian Self-Determination Act. The Board received Appellant's notice of appeal on August 11, 1997. Finding itself unable to make the determination required by 25 C.F.R. § 900.160 without further information, the Board requested further information from the Area Director. The information was received on August 18, 1997.

Among other things, the materials submitted by the Area Director show that, by letter dated July 30, 1997, Appellant requested an informal conference under 25 C.F.R. § 900.154. They show further that an informal conference was scheduled for August 8, 1997, but was postponed because of a bomb threat. Appellant's notice of appeal to the Board is dated August 7, 1997, the day before its informal conference was scheduled.

Under 25 C.F.R. Part 900, Subpart L, Appellant had the option of filing an appeal from the Area Director's decision or requesting an informal conference. Having chosen to invoke the informal conference procedure, Appellant postponed its right to appeal to the Board until after the issuance of a recommended decision pursuant to 25 C.F.R. § 900.156.

Accordingly, this appeal is premature.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed without prejudice. Should Appellant be dissatisfied with the recommended decision issued after its rescheduled informal conference, it may then appeal to the Board.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge